

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF TEXAS
GALVESTON DIVISION

Federal Trade Commission,

Plaintiff,

v.

iBackPack of Texas, LLC, and
Douglas Monahan,

Defendants.

Case No. 3:19-cv-00160

Judge Jeffrey V. Brown

Magistrate Judge Andrew M. Edison

**PLAINTIFF FTC'S MOTION FOR LEAVE
TO EXCEED PAGE LIMIT**

Plaintiff, the Federal Trade Commission ("FTC"), respectfully requests leave to exceed the page limit set forth in Section 7.A of the Court's procedures by filing a summary judgment memorandum of up to thirty pages. As noted in the Section 6.B pre-motion conference letter filed and served today, the FTC plans to file a motion for summary judgment against defendant Douglas Monahan by the February 7, 2020, deadline for dispositive motions set forth in the Docket Control Order.

The FTC requests the additional pages because its summary judgment motion seeks, as authorized by Section 13(b) of the FTC Act, 15 U.S.C. § 53(b), an order that includes (i) permanent injunctive provisions to prevent future violations; (ii) a monetary judgment against Monahan in an amount equal to consumer injury; and (iii) monitoring, reporting, and recordkeeping provisions to ensure Monahan's compliance. *See, e.g., FTC*

v. Sw. Sunsites, Inc., 665 F.2d 711, 718 (5th Cir. 1982) (“Section 13(b) carries with it the authorization for the district court to exercise the full range of equitable remedies traditionally available to it”).¹ The additional pages will allow the FTC to discuss in appropriate detail the provisions sought and the basis for those provisions.

Pursuant to Local Rule 7.1, the FTC conferred with defendant Douglas Monahan, appearing *pro se*, who stated that he opposes the relief requested.

A proposed order is submitted with this motion.

Respectfully submitted,

Dated: January 31, 2020

/s/ Patrick Roy
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¹ Numerous courts of this Circuit have entered, in FTC law enforcement actions, final orders providing permanent injunctive and monetary relief of the type sought through the FTC’s anticipated motion. *E.g.*, *United States v. Commercial Recovery Sys., Inc.*, No. 15-036 (E.D. Tex. Apr. 18, 2016) (summary judgment order providing permanent injunctive and monetary relief); *United States v. Cornerstone Wealth Corp.*, 549 F. Supp. 2d 811, 821 (N.D. Tex. 2008) (same); *FTC v. IAB Mktg. Assocs., LP*, No. 14-458 (N.D. Tex. Oct. 10, 2014) (stipulated final order providing permanent injunctive and monetary relief); *FTC v. Medical-Billing.Com, Inc.*, No. 02-702 (N.D. Tex. Nov. 19, 2003) (same); *FTC v. Churchill*, No. 00-324 (S.D. Tex. Apr. 20, 2001) (Hittner, J.) (same).

CERTIFICATE OF SERVICE

I, Patrick Roy, an attorney, hereby certify that on January 31, 2020, I caused to be served true copies of the foregoing Motion for Leave to Exceed Page Limit through the CM/ECF System, by e-mail, and by first-class mail.

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